

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 10:00 A.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Thomas A. Harris, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Shandra Gallagher, Assistant Deputy Clerk.

**F042996      Grewal v. Gourley**

Cause called and argued by Michelle Littlewood, Esq., Deputy Attorney General, counsel for appellant and by Eric H. Schweitzer, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Wednesday, April 14, 2004 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Thomas A. Harris, Associate Justice; Honorable Herbert I. Levy, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Rosemary Heredia, Assistant Deputy Clerk.

**F042042      Navarrette et al., v. Madrid et al.,**

Cause called and argued by Daniel H. Carfnelutti, Esq., counsel for appellant and by Poncho K. Baker, Esq., counsel for respondent.

Cause ordered submitted.

**F041476      People v. Sammakieh**

Cause called and argued by Victor Blummenkrantz, Esq., counsel for appellant. Brian Alvarez, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

**F040932      Ware et al., v. State of California**

Cause called.

Cause ordered submitted.

Court recessed until Thursday, April 15, 2004 at 10:00 A.M.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**F041720      Palacios v. Ortiz**

Appellant's petition for rehearing filed herein is denied.

**F042274      Perez et al. v. Vargas et al.; Davenport**

IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed. Plaintiffs/respondents are awarded their costs on appeal.

The brief filed by defendants/respondents is stricken. Their request for sanctions is denied. They shall bear their own costs on appeal. Buckley, Acting P.J.

We concur: Wiseman, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F042059      People v. Dagostino**

The judgment is reversed and the matter is remanded to the trial court for further appropriate proceedings in accordance with the views expressed herein. Harris, J.

We concur: Dibiaso, Acting P.J.; Levy, J.

[CERTIFIED FOR PUBLICATION]

**F043497      In re Maria H., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE  
Court of Appeal of the State of California

IN AND FOR THE  
Fifth Appellate District

- F043497      In re Maria H., a Minor**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F042937      Terris et al. v. Gourley**  
The judgment is affirmed. Levy, J.  
We concur: Dibiaso, Acting P.J.; Harris, J.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F042553      People v. Beck**  
The judgment is affirmed. Harris, J.  
We concur: Dibiaso, Acting P.J.; Levy, J.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F044789      In re Austin A., a Minor**  
No brief or request for extension of time having been filed within  
the time provided, the appeal is dismissed.
- F042585      People v. Beck**  
The judgment is affirmed. Harris, J.  
We concur: Dibiaso, Acting P.J.; Levy, J.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F043350      People v. Santillan, Sr.**  
Counsel having failed to request oral argument in the above-  
entitled case, oral argument is deemed waived in accordance with the  
provisions of a notice heretofore mailed to counsel and the cause is  
submitted.

IN THE  
Court of Appeal of the State of California

IN AND FOR THE  
Fifth Appellate District

- F043350      People v. Santillan, Sr.**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F042589      People v. Beck**  
The judgment is affirmed. Harris, J.  
We concur: Dibiaso, Acting P.J.; Levy, J.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F044722      In re Serenity W., a Minor**  
IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.
- F043736      In re Jesse H., a Minor**  
The dispositional order is affirmed. Buckley, Acting P.J.  
We concur: Wiseman, J.; Levy, J.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F042342      California Farm Bureau Federation et al. v. County of Stanislaus, Diablo Grande Inc. et al., Protect Our Water et al.**  
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.
- F043999      In re Melton S., a Minor**  
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**F043999      In re Melton S., a Minor**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F042521      People v. Hunter**

The judgment is affirmed. Levy, J.

We concur: Buckley, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F042233      People v. Apsit**

The judgment is affirmed. Levy, J.

We concur: Buckley, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F044293      People v. Whiting**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.